

EXHIBIT

Defendants' Written Consent To Re-file
Amended Complaint To Address
ECF Notice Of Deficiency

Sherief Morsy

From: Sherief Morsy
Sent: Wednesday, December 4, 2019 12:55 PM
To: Strohbahn, Xochitl S.; Carter, Hunter T.
Cc: Richard W. Gonnello; Katherine Lenahan
Subject: RE: Activity in Case 1:19-cv-06741-GBD Jose Pinto Claro Da Fonseca Miranda v. Ideanomics, Inc. et al
Notice to Attorney Regarding Deficient Pleading

Xochitl & Hunter:

Thanks for your reply regarding re-filing the Amended Complaint. We will also send you a copy of what we intend to file before we re-file the Amended Complaint. We have no objection with respect to the due date for defendants' response.

Best regards,

Sherief Morsy

From: Strohbahn, Xochitl S. <XSStrohbahn@Venable.com>
Sent: Wednesday, December 4, 2019 12:29 PM
To: 'Carter, Hunter T.' <Hunter.Carter@arentfox.com>; Sherief Morsy <smorsy@faruqilaw.com>
Cc: Richard W. Gonnello <rgonnello@faruqilaw.com>; Katherine Lenahan <klenahan@faruqilaw.com>
Subject: RE: Activity in Case 1:19-cv-06741-GBD Jose Pinto Claro Da Fonseca Miranda v. Ideanomics, Inc. et al Notice to Attorney Regarding Deficient Pleading

We have no objection.

Xochitl S. Strohbahn, Esq. | Venable LLP
t 212.370.6224 | f 212.218.2200
1290 Avenue of the Americas, 20th Floor, New York, NY 10104

XSStrohbahn@Venable.com | www.Venable.com

From: Carter, Hunter T. [<mailto:Hunter.Carter@arentfox.com>]
Sent: Wednesday, December 04, 2019 12:28 PM
To: Strohbahn, Xochitl S. <XSStrohbahn@Venable.com>; 'Sherief Morsy' <smorsy@faruqilaw.com>
Cc: Richard W. Gonnello <rgonnello@faruqilaw.com>; Katherine Lenahan <klenahan@faruqilaw.com>
Subject: RE: Activity in Case 1:19-cv-06741-GBD Jose Pinto Claro Da Fonseca Miranda v. Ideanomics, Inc. et al Notice to Attorney Regarding Deficient Pleading

Thanks, Xochitl, and hello Sherief.

We have no objection to the request. Can we agree however that it changes the date to respond to the amended complaint to Friday January 17? (One day later than currently)

Thanks.

Hunter T. Carter
Partner

Arent Fox LLP | Attorneys at Law
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917.346.0729 **CELL**
hunter.carter@arentfox.com | www.arentfox.com

From: Strohbehn, Xochitl S. <XSStrohbehn@Venable.com>
Sent: Tuesday, December 3, 2019 9:12 PM
To: 'Sherief Morsy' <smorsy@faruqilaw.com>
Cc: Richard W. Gonnello <rgonnello@faruqilaw.com>; Katherine Lenahan <klenahan@faruqilaw.com>; Carter, Hunter T. <Hunter.Carter@arentfox.com>
Subject: RE: Activity in Case 1:19-cv-06741-GBD Jose Pinto Claro Da Fonseca Miranda v. Ideanomics, Inc. et al Notice to Attorney Regarding Deficient Pleading

Sherief,

I've copied Hunter Carter, who represents Federico Tovar, on this email so he can consider your request.

Thanks.

Xochitl S. Strohbehn, Esq. | Venable LLP
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From: Sherief Morsy [<mailto:smorsy@faruqilaw.com>]
Sent: Tuesday, December 03, 2019 2:05 PM
To: Strohbehn, Xochitl S. <XSStrohbehn@Venable.com>
Cc: Richard W. Gonnello <rgonnello@faruqilaw.com>; Katherine Lenahan <klenahan@faruqilaw.com>
Subject: FW: Activity in Case 1:19-cv-06741-GBD Jose Pinto Claro Da Fonseca Miranda v. Ideanomics, Inc. et al Notice to Attorney Regarding Deficient Pleading

Xochitl:

Thanks again for taking the time to speak with me and I hope you had a wonderful Thanksgiving. Please let us know if defendants consent to us re-filing the Amended Complaint pursuant to the instructions below.

Best regards,

Sherief

From: [NYSD ECF Pool@nysd.uscourts.gov](mailto:NYSD_ECF_Pool@nysd.uscourts.gov) <[NYSD ECF Pool@nysd.uscourts.gov](mailto:NYSD_ECF_Pool@nysd.uscourts.gov)>
Sent: Tuesday, December 3, 2019 10:36 AM
To: CourtMail@nysd.uscourts.gov
Subject: Activity in Case 1:19-cv-06741-GBD Jose Pinto Claro Da Fonseca Miranda v. Ideanomics, Inc. et al Notice to Attorney Regarding Deficient Pleading

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U.S. District Court

Southern District of New York

Notice of Electronic Filing

The following transaction was entered on 12/3/2019 at 10:35 AM EST and filed on 12/3/2019

Case Name: Jose Pinto Claro Da Fonseca Miranda v. Ideanomics, Inc. et al

Case Number: [1:19-cv-06741-GBD](#)

Filer:

Document Number: No document attached

Docket Text:

*****NOTICE TO ATTORNEY REGARDING DEFICIENT PLEADING.** Notice to Attorney Richard William Gonnello to RE-FILE re: Document No. [40] Amended Complaint. The filing is deficient for the following reason(s): all of the parties listed on the pleading were not entered on CM ECF; Zheng Wu must be added to the case, with alias 'a/k/a Bruno Wu'; the wrong party/parties whom the pleading is against were selected; the pleading was filed incorrectly on the due date set by the Court, therefore consent from the opposing party/parties or Court's leave will be required before re-filing the Amended Complaint. Docket the event type Add Party to Pleading found under the event list Complaints and Other Initiating Documents. ****DO NOT USE GOOGLE CHROME OR SAFARI BROWSERS**** Re-file the pleading using the event type Amended Complaint found under the event list Complaints and Other Initiating Documents - attach the correct signed PDF - select the individually named filer/filers - select the individually named party/parties the pleading is against. File the Exhibit to Pleading event found under the event list Other Documents and attach either opposing party's written consent or Court's leave. (pne)

1:19-cv-06741-GBD Notice has been electronically mailed to:

Hunter T. Carter carter.hunter@arentfox.com

Phillip C. Kim pkim@rosenlegal.com

George Kostolampros gstolampros@venable.com

Richard William Gonnello rgonnello@faruqilaw.com, dbehnke@faruqilaw.com, ecf@faruqilaw.com, klenahan@faruqilaw.com, msullivan@faruqilaw.com

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William Scott Holleman holleman@bespc.com, ecf@bespc.com

Xochitl S. Strohbehn XSStrohbehn@Venable.com, nylitigationdocketing@venable.com

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Sherief Morsy smorsy@faruqilaw.com

1:19-cv-06741-GBD Notice has been delivered by other means to:

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